

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

HARDY K. AH PUCK, JR.,

Plaintiff,

v.

STATE OF HAWAII,

Defendant.

Case No. 19-cv-00120-DKW-RLP

**ORDER DENYING WITHOUT
PREJUDICE APPLICATION TO
PROCEED WITHOUT
PREPAYMENT OF FEES OR
COSTS¹**

Not too long ago, the Court entered an Order (“the March 28 Order”) denying without prejudice Plaintiff Hardy K. Ah Puck, Jr.’s application to proceed *in forma pauperis* (“Original IFP Application”). Dkt. No. 6. Among other things, the Court observed that, in the Original IFP Application, when asked what the amounts of his gross and take-home pay were, Ah Puck responded with what appeared to be “allowance” and “cash[,]” respectively. The Court informed Ah Puck that those responses prevented the Court from determining whether he was unable to pay the civil filing fee. The Court then instructed Ah Puck to file a *new* application to proceed *in forma pauperis* and, therein, provide the dollar amounts

¹Pursuant to Local Rule 7.2(d), the Court finds this matter suitable for disposition without a hearing.

for his gross and take-home pay. A new copy of the Court's Application to Proceed in District Court Without Prepaying Fees or Costs was also mailed to Ah Puck.

Thereafter, Ah Puck filed not one, but two separate (although almost identical) applications to proceed *in forma pauperis* (collectively, "the Refiled IFP Applications"). Dkt. Nos. 7-8.² Neither of the Refiled IFP Applications is *new* in any conventional sense. This is largely because the Refiled IFP Applications appear to be photocopies of the Original IFP Application. Perhaps most tellingly, at the top of each Refiled IFP Application is "Photo copy of this for case 19-cv-120 DKW[.]" In addition, the Refiled IFP Applications do not contain original signatures, are dated the same date (March 18, 2019) as the Original IFP Application, and possess (albeit crossed-out) the Clerk's Office stamp for when the Original IFP Application was filed (March 21, 2019). In essence, therefore, Ah Puck has simply refiled the Original IFP Application, which this Court has already denied. No different result is reached with respect to the Refiled IFP Applications because, like the Original IFP Application, they both state that Ah

²As far as the Court can tell, the only differences between the two recent applications to proceed *in forma pauperis* are in Ah Puck's response to question 6 on the second page of the same. Compare Dkt. No. 7 at 2, with Dkt. No. 8 at 2. For purposes of this Order, those minimal differences have no relevance.

Puck's gross pay and take-home pay, respectively, are "allowance" and "cash[.]" Dkt. No. 7 at 1, Dkt. No. 8 at 1. As a result, the Refiled IFP Applications, Dkt. Nos. 7-8, are DENIED.

In the March 28 Order, the Court forewarned Ah Puck that failure to file a complete and clear application to proceed *in forma pauperis* would result in dismissal of this case without further consideration of the merits.

Notwithstanding, Ah Puck will be allowed one, **final** opportunity to submit a new application to proceed *in forma pauperis* that is complete and clear. In doing so, Ah Puck must provide the **dollar amount** for his gross pay or wages and his take-home pay or wages. **The failure to file a complete and clear application to proceed *in forma pauperis* or pay the civil filing fee in full by April 22, 2019 will result in the dismissal of this action without further consideration of the merits of this potential case.**

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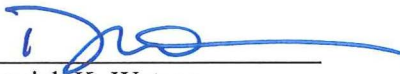
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The Clerk of Court is directed to mail Ah Puck a blank Application to Proceed In District Court Without Prepaying Fees or Costs (AO 240) so that he may comply with this Order.

IT IS SO ORDERED.

Dated: April 11, 2019 at Honolulu, Hawai‘i.




Derrick K. Watson
United States District Judge

Hardy K. Ah Puck, Jr. v. State of Hawaii; Civil No. 19-00120 DKW-RLP;
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